

THE
Fifty-fourth
TEXAS LEGISLATURE
A Review of Its Work



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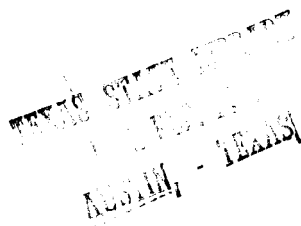
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The Fifty-fourth Texas Legislature

A REVIEW OF ITS WORK



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Foreword

The Institute of Public Affairs published a summary of the work of the Fifty-third Texas Legislature in August, 1953. The publication met with such approval that it was thought advisable to present a similar statement for the Fifty-fourth session which adjourned June 7, 1955. This publication is produced for the purpose of better acquainting the people of our state with the problems and work of their elected officials.

This brochure was a co-operative undertaking of the Institute's staff. Much of the original material was gathered and organized by Mr. C. E. Schermbeck, Research Associate. The sections on Appropriations and Taxation were prepared by Mr. Lynn F. Anderson, Assistant Director of the Institute. In addition, he read and made editorial comments upon the entire manuscript. Miss Doris Connerly, State Legislative Reference Librarian, and Dr. John Gillespie, Training Officer of the Institute, both read the manuscript with the result that a number of valuable improvements appear in the final product.

STUART A. MACCORKLE
Director

August, 1955

THE FIFTY-FOURTH TEXAS LEGISLATURE

A SUMMARY OF ITS WORK

Introduction

THE FIFTY-FOURTH regular session of the Texas Legislature produced an impressive number of major accomplishments, despite its session-long preoccupation with new state revenue needs. The insurance code adopted in 1951 received extensive amendments designed to strengthen state regulation of the industry. The corporate and probate codes were recodified and modernized. Corporate security statutes were made more stringent. Laws designed to improve the state hospital system were enacted and the laws pertaining to social security, unemployment compensation, and municipal and teacher retirement systems received consideration and amendment.

New taxes estimated to bring in approximately \$100 million additional revenue for the biennium and appropriations totaling over \$1.5 billion set new taxing and spending records for the session. Increased appropriations were provided for higher education. State hospitals and special schools, and additional welfare funds of \$7 million a year, as approved by constitutional amendment in November, 1954, were appropriated to the blind, needy children, and old age assistance recipients.

The arduous search for new sources of state revenue may have provided the needed legislative impetus for a comprehensive revision of the state's tax structure in subsequent sessions. One immediate result was a Legislative Council assignment to review the tax structure.

The legislature acted favorably on most of the recommendations made by Governor Shivers in his opening address. However, the legis-

lature was unable to agree on a method of financing a state-wide water conservation program despite the fact that water had been labeled as the state's number one problem by the Governor. Long-sought small loan legislation and congressional and judicial redistricting measures also failed of enactment.

The Fifty-fourth Legislature was in session 148 calendar days, beginning January 11, 1955. Final adjournment came June 7. Bills introduced during the session numbered 1,431—457 in the Senate and 974 in the House. Five hundred and fifty-one passed. Of this number 340 were House Bills and 211 were Senate Bills. The Governor vetoed 21 of these bills, leaving a total of 530 bills which became law. There were 56 proposed amendments to the Texas constitution introduced during the session, of which nine were adopted. Legislators served without pay for the last 28 days of the session because of a constitutional amendment approved in November, 1954. This amendment authorized an increase in legislative pay from \$10 to \$25 per day for the first 120 days of the session but nothing thereafter. Under the old provision, they received \$5 per day after the first 120 days.

Bills Receiving Legislative Approval

STATE ADMINISTRATION

The legislature ordered several small but significant changes in state administration. It established three new state agencies. Statutory provisions supplementing the 1954 constitutional amendment which authorized a State Office Building Commission were enacted, and several other agencies were reorganized.

Constitutional state officers were given salary increases. State employees for the first time in recent sessions did not receive an across-the-board pay raise, although they realized a considerable gain in retirement benefits.

The session was marked by disclosures of irregularities in the Veterans' Land Program, and both houses created interim investigating committees to pursue the matter further. A proposed constitutional amendment will, if approved by the electorate in November, 1956, alter the make-up of the Veterans' Land Board. It would replace the already overburdened offices of Governor and Attorney-General on the board with two citizens to be appointed by the Governor and confirmed by Senate.

State Departments and Agencies. The Board of Insurance Commissioners was one of the more important agencies to be strengthened and reorganized. Statutory powers and duties of the individual commissioners were consolidated and conferred on the board itself. The board will now function as a unit with a majority vote of the members being necessary to transact official business (S.B. 368). The extra salary formerly paid the permanent chairman was eliminated, and the chairmanship will be rotated every two years beginning January, 1956, to the member of the board whose term is next to expire.

Following considerable legislative maneuvering the Livestock Sanitary Commission was increased from three to six members (S.B. 247). Efforts were made to transfer the headquarters office of the commission from Fort Worth to Austin, but they met with failure.

The numerous separate fee funds of the Department of Agriculture were consolidated into a single account to be known as the Special Department of Agriculture Fund (H.B. 134). This will greatly simplify bookkeeping and accounting procedures within the department.

A 1954 constitutional amendment establishing the State Office Building Commission was made effective, and the commission's duties and powers were defined in Senate Bill 134. The commission was authorized to arrange for the acquisition of all state building sites. Control over the planning and construction of buildings for state purposes was also vested in the commission. The act specified modification of legislative quarters in the Capitol Building and construction of the Supreme Court and State Office Buildings as the first major projects to be undertaken by the commission.

Another new agency, the Texas Commission on Higher Education, was created (S.B. 145). It was given broad supervisory powers over curriculum and budgets of state-supported colleges and universities. After September, 1956, no new department or degree program may be

added to the curriculum without the approval of the commission. For the fiscal year 1956-57, the commission will allocate a total of \$1,000,000 to eighteen colleges and universities to meet enrollment increases (H.B. 140).

A third new agency, the State Board of Registration for Public Surveyors, was established for the purpose of licensing and regulating members of that profession. Administration of the Judicial Retirement System was placed in the hands of the Board of Trustees of the State Employees Retirement System (S.B. 203). The name of the State Health Officer in the Department of Health was changed to Commissioner of Health (S.B. 311), and the offices of Secretary and Treasurer of the State Board of Examiners in Basic Sciences were combined into a single office of Secretary-Treasurer (S.B. 241).

The Texas Surplus Property Agency, organized toward the end of World War II to obtain needed war surplus materials from the federal government, was continued for the 1955-57 biennium (H.C.R. 101).

Interstate Compacts. Admission of West Virginia and Delaware to the Southern Regional Education Compact was approved (S.B. 251). The Governor was directed to initiate and authorized to execute a new interstate compact, the South Central Interstate Forest Fire Protection Compact (S.B. 72). Arkansas, Louisiana, Mississippi, Oklahoma, and other states contiguous to a member state are invited to enter the compact which becomes effective immediately upon ratification by two or more states and consent of Congress. The state forester in each state was named Compact Administrator. Each state will appoint a four-member advisory committee composed of two legislators and two persons associated with or learned in forestry.

State Officers and Employees. Under the 1954 constitutional amendment authorizing the legislature to fix the salaries of constitutional state officers, the following increases were granted (H.B. 143):

Governor	from	\$12,000 to \$25,000
Attorney General	from	10,000 to 20,000
Comptroller	from	6,000 to 17,500
Treasurer	from	6,000 to 17,500
Commissioner of General		
Land Office	from	6,000 to 17,500
Secretary of State	from	6,000 to 15,000

State employees were brought under the Old Age and Survivors Insurance (OASI) provisions of the Federal Social Security Act (H.B.

666). To finance the state's part of the program the legislature appropriated \$1,200,000 of which \$500,000 is from the General Fund. The remaining \$700,000 comes from other operating funds of the various departments in which the employees work. Members of either the Teacher Retirement System or the State Employees Retirement System may now receive credit for prior service rendered as a teacher or an employee of the state (S.B. 212) and may transfer retirement credits between systems.

APPROPRIATIONS

In line with the practice followed during recent sessions, the 54th Legislature enacted a single general appropriation bill covering all state agencies and activities (H.B. 140). This bill sets a new record in state spending, with a total of \$1,523,325,288 being appropriated for state governmental costs for the 1955-57 biennium. Of this amount, \$754,836,308 is appropriated for the fiscal year ending August 31, 1956, while the remaining \$768,488,980 will become available for expenditure during the fiscal year ending August 31, 1957. The total appropriation for each year of the biennium is broken down into five major categories. These categories, and the appropriations for each are shown in the following tabulation:

Appropriations 1955-1957

Branch of Government	1955-56	1956-57
Judiciary	\$ 3,532,426	\$ 3,517,088
State Hospitals and		
Special Schools	35,216,891	34,979,454
Executive & Administrative	644,914,317	658,060,515
Public Junior Colleges	3,903,000	3,903,000
Agencies of Higher Education....	67,269,674	68,028,923
	<hr/>	<hr/>
	\$754,836,308	\$768,488,980

In addition to specifying certain amounts of money for all state agencies and functions, the general appropriations bill also contains numerous general provisions dealing with many detailed aspects of administration and finance. One of these provisions worthy of note makes a basic change in travel reimbursement for state officers and employees from an actual expense basis, with a maximum of \$6 per day, to a per diem basis. The per diem specified in the new appropriations bill is \$7

per day within the State of Texas and \$9 per day for travel outside the state. For members of the legislature, other elected officials, heads of state agencies, and representatives of specified state agencies the per diem limit does not apply and the total cost of meals, lodging, and incidental expenses is to be reimbursed.

TAXATION

To meet the record appropriations which it voted for the 1955-57 biennium, the Fifty-fourth Legislature considered a variety of tax bills. The final outcome was House Bill 660, a package which imposes significant increases in existing state taxes. The cigarette tax was increased from four to five cents per package; the gasoline tax was raised from four to five cents per gallon; the sales tax on beer was raised from \$2.00 to \$4.30 a barrel (or from .6 of 1 cent to 1.3 cents per bottle); and the franchise tax was increased for the second time in as many years from \$2.00 to \$2.25 per \$1,000 of base net worth and indebtedness. The cigarette, beer, and gasoline tax increases become effective September 6, 1955; the franchise tax increase becomes effective May 1, 1956. Collectively, these four taxes will produce approximately \$100 million of additional revenue during the two-year period beginning September 1, 1955. Of this amount, \$41 million will go for road and highway purposes, while the remaining \$59 million will accrue to the General Revenue Fund.

Although the state tax bill embodied in House Bill 660 overshadowed other financial enactments, the Fifty-fourth Legislature also passed several additional tax measures. Senate Bill 85 extended a tax exemption to property of the American Legion, American Veterans of World War II, Veterans of Foreign Wars of the United States, Disabled American Veterans, Jewish War Veterans, Catholic War Veterans, and nonprofit organizations incorporated for preserving historic buildings, sites, and landmarks. Contract motor carriers operating under permits issued by the Railroad Commission of Texas were made subject to the intangible assets tax of the state and counties in which their business is conducted (H.B. 470). Extensive enforcement provisions were incorporated into the statute under which radios and television sets are taxed at the rate of 2.2 per cent of their selling price (H.B. 630). These enforcement features were designed to cope with widespread evasions which existed under the old statute, and

they will produce an estimated \$300,000 annually in additional revenue with no increase in the tax rate. Another law designed to facilitate administration of the state motor fuel tax was House Bill 688. Under this enactment, the Comptroller of Public Accounts is authorized to allow licensed distributors to make sales or resales of motor fuel products to another distributor without payment of any tax where the products are to be ultimately exported, further refined, or sold to the federal government. The purpose of this amendment is to obviate the payment of a tax and its subsequent refund when without any intermediate distributor, the sale would have been tax free in the first instance. Its effect will be to reduce the administrative burden of intermediate distributors and the State Comptroller.

In addition to the foregoing state tax measures, the legislature enacted several laws affecting the tax powers of local governments. Senate Bill 116 liberalizes the tax rate limits of common and independent school districts. Under present law school districts are limited to a total tax rate of \$1.50 on each \$100 of assessed valuation for both operation and debt service. On and after September 6, 1955, when Senate Bill 116 becomes effective, districts may levy up to \$1.50 for operation alone, the exact limit being determined by the following schedule:

Ratio of Bonded Indebtedness to Assessed Valuation	Tax Rate Limit
7% or less	\$1.50
8%	1.40
9%	1.30
10%	1.20

In addition to the property tax for operational purposes, districts will be empowered to levy such tax as necessary to retire and service outstanding bonded indebtedness.

A second statute pertaining to local school finances allows independent school districts to contract with any competent attorney in the state for collection of delinquent property taxes (H.B. 476). The amount which the district may pay for such services cannot exceed that allowed by law for collecting delinquent state and county taxes.

A proposed amendment to Art. VIII, sec. 9, of the state constitution will affect the taxing powers of counties if adopted by the electorate in 1956. Under present law, the maximum constitutional tax rate on property of 80 cents per \$100 of assessed valuation may be rearranged

among the component funds of any county if approved at an election. Furthermore, an election must be held every six years thereafter to keep the rearranged tax rates in effect. Under the new amendment proposed by the Fifty-fourth Legislature (H.J.R. 23), the commissioners court in each county would be given authority to alter individual fund tax rates within the over-all limit of 80 cents.

A significant tax reduction was made for motor busses when the annual license fees for registration were reduced approximately 50 per cent (H.B. 162). The new schedule will vary from a minimum of 67.5 cents per 100 pounds, for vehicles with a gross weight of 1 to 6,000 pounds, to \$2.00 per 100 pounds, for vehicles weighing 31,001 pounds or more.

BANKS AND SECURITIES

A five day work week for banks was approved (H.B. 19). It allows a bank to operate five or six days a week as it chooses. Legal holidays for banking purposes, for banks closing on Saturday or some other week-day were reduced from twelve to six as follows: January 1, April 21, July 4, Labor Day, Thanksgiving, and December 25.

The banking code was amended to authorize state banks and trust companies to sell mortgages to the Federal National Mortgage Association (S.B. 358), and statutory authority providing for an orderly transition by a national bank into a state bank was passed (S.B. 274).

Laws regulating the sale of securities were strengthened, and new administrative procedures were established for their enforcement by the Secretary of State and the Attorney General's office (S.B. 149).

The necessity of affixing the manual signature of corporation officials to each individual stock certificate or bond was eliminated by amendments to the law authorizing reproduction of the signature by mechanical means (H.B. 955). Another bill enacted the same provision for public securities (H.B. 725).

REGULATION OF BUSINESS

Texas Business Corporation Act. The first general revision in the corporation laws of Texas since 1874 was enacted into law with the passage of House Bill 16. The act sets forth general statutory provisions prescribing methods and requirements for incorporation and

admission to do business in Texas. Procedures and regulations for the merger, consolidation, receivership, and dissolution of business corporations are enumerated in the bill. The specific purpose clause, a source of litigation and confusion under the old law, was eliminated. An unusual feature of the act is the five-year voluntary acceptance plan. Duly chartered existing corporations or foreign corporations currently holding a valid permit to do business in the state are given a period of five years after the date of enactment, during which they may elect to come under the act. Upon the expiration of the five-year period all corporations will automatically come under its provisions. Banks, trusts, building and loan associations, and insurance companies are excluded from the bill.

Sales Limitation. Retail or wholesale grocers were prohibited from selling or offering to sell merchandise below cost if the purchaser is limited as to quantity. Exceptions to the act include merchandise sold for charitable purposes, to governmental institutions, promotional selling of a new product, and perishable goods which must be sold in order to prevent loss (H.B. 714).

Real Estate. Senate Bill 209 gave the Real Estate Commission authority to give written examinations to applicants for real estate dealers or agents.¹ Brokers are required to furnish a bond of \$3,000 and salesmen, \$2,000.

Comic Books and Magazines. The publication, distribution, and sale of undesirable or corruptive books and magazines was made unlawful in House Bill 23. A second bill enacted on the subject (H.B. 203 as amended by S.B. 423) further defines such publications to include any immoral printed matter, motion pictures, penny arcade machine pictures, and indecent objects. Each of the acts contain a penalty of six months imprisonment and/or a fine of not more than \$1,000 for violation of its provisions.

COUNTIES

A number of measures designed to give the county a greater degree of responsibility in the management of its affairs were enacted. County financing was made more flexible and authority to expend tax money for several new purposes was provided.

In other bills, new maximum salaries for county officials were es-

¹ For new regulations of insurance industry see Insurance section.

tablished, enforcement officers of certain counties were authorized to hire assistants, and rabies control measures were extended to all counties.

Management. Any county or its political subdivision which has a surplus in its road bond sinking fund was authorized to make funds available for other needed permanent improvements (S.B. 216). Financing of county library buildings was encouraged by authorizing the issuance of negotiable bonds for this purpose (S.B. 253). Commissioners courts were given authority to expend tax money for the acquisition of land for public dumping and garbage disposal (H.B. 428). Recreational programs and facilities may be established by counties, cities, and towns acting jointly or separately (H.B. 131).

Commissioners courts in counties of more than 50,000 population may appropriate from the General Fund an amount not in excess of five cents on the \$100 valuation for advertising growth and development of the county. Counties of 100,000 population or more may levy a tax not to exceed the above figure for this purpose (H.B. 917). On election, county funds may also be expended for making surveys of water resources (H.B. 935). Authority for entering into contracts with various agencies for flood control and soil conservation purposes was also provided (H.B. 913).

Officials in counties of 150,000 population or more were permitted to dispense with the quarterly reports to commissioners courts (H.B. 867). Although many counties have heretofore had independent audits, commissioners courts in all counties were given definite authority to secure an annual or biennial independent audit of county books and records (H.B. 227).

The law authorizing commissioners courts to establish measures for the control of rabies epidemics was extended to all counties (H.B. 75). Commissioners courts in counties of 150,000 population or more were authorized to establish restricted traffic zones (S.B. 64). Formerly this authority was restricted to counties of 800,000 or more population. Counties may now condemn land inside the limits of incorporated cities for state highway right-of-way (H.B. 77).

Salaries. The maximum compensation of county officials paid on a fee basis may be increased to any amount not exceeding \$6,750 per annum (H.B. 373). New minimum and maximum salaries for officials of salary basis counties were established, with commissioners

courts being given the power to set the new salaries at any point between present compensation and the new maximums (H.B. 374). District judges were also authorized to set the salary of the county auditor at an amount not to exceed that paid the tax assessor-collector (S.B. 316).

Other Bills. The appointment of purchasing agents was authorized in counties of 100,000 population or greater (H.B. 452). The old population requirement was 140,000. Assessors in counties of 150,000 population or over may appoint two chief deputies to assist in that office (H.B. 297), and House Bill 919 authorizes county attorneys in counties over 40,000 population to appoint an investigator.

COURTS AND COURT PROCEDURES

In lieu of state-wide judicial redistricting, the legislature created five new courts and made ten other temporary courts permanent. Additional county and corporation courts were authorized in an attempt to relieve crowded court dockets. New county juvenile boards were established. Criminal proceedings were modified and the salaries of Supreme Court and Court of Criminal Appeals members were raised.

District Courts. The following ten district courts were made permanent by the legislature.

Special Criminal District Court of Dallas County
142nd District Court of Midland County
151st and 152nd District Courts of Harris County
Second 9th District Court of Montgomery, Polk, San Jacinto, and Trinity counties
Second 25th District Court of Gonzales, Colorado, Lavaca, and Guadalupe counties
138th District Court of Willacy and Cameron counties
139th District Court of Hidalgo County
145th District Court of Angelina, Cherokee and Nacogdoches counties
37th District Court of Bexar County

At least five additional district courts were created as follows:

140th District Court of Lubbock County
136th District Court of Jefferson County
153rd District Court of Tarrant County
143rd District Court of Ward, Reeves, and Loving counties
Second 38th District Court of Kerr, Bandera, Kendall, Kimble and Gillespie counties

The creation of these additional courts involved the abolishment of the Special Second District Court of Texas and the reorganization of at least six other judicial districts as follows: 33rd, 38th, 75th, 88th, 109th, and 112th. The term of the 132nd Judicial District was extended until April 30, 1961. Terms of all district courts, including criminal district courts, were made continuous, and it was provided that at least two terms of court per year be held in each county wherein they sit (H.B. 95).

County Courts. Three new county courts at law were established, one in each of the counties of Potter, El Paso, and Taylor (S.B. 175, H.B.'s 338, 768). Original jurisdiction in matters of eminent domain was restored to the County Court of Hill County (S.B. 353).

Corporation Courts. Cities having a population between 130,000 and 285,000 (Austin, El Paso, Fort Worth) were authorized to establish up to four corporation courts to relieve their crowded court dockets (H.B. 119). Formerly they were permitted only one court.

Domestic Relations Court. A new court of record was authorized for Hutchinson County upon the approval of the electorate (H.B. 208). The new court will have jurisdiction of all cases involving adoption, dependent, or neglected child proceedings, and all authority now placed in the district or county courts under the juvenile and child welfare laws of the state.

Small Claims Court. Costs to be charged in the Small Claims Courts, which have been a source of confusion in the past, were clarified by the legislature (H.B. 495). The only fees authorized are: a filing fee of \$2.00, a jury fee of \$3.00, and a citation fee of \$1.00.

Marriage and Divorce. In other action, the legislature extended from 30 to 60 days the time required between filing suit and granting of a divorce (H.B. 61). An attempt to abolish common law marriage failed of enactment (H.B. 64).

Criminal Proceedings. Defendants in a criminal proceeding may preserve in the statement of facts or by informal Bill of Exception certain objections (H.B. 631). Under existing law appellants in criminal proceedings are sometimes denied the right of having the appellate court pass upon the merits of their case because of the lack of an index to the Bill of Exception contained in the statement of facts.

Women Jurors. Qualifications for jurors were amended permitting women to serve on juries (H.B. 78). This statute implemented

the constitutional amendment to that effect approved by the electorate in 1954.

Salaries. In an extra appropriation, the annual salaries of judges of the Supreme Court and the Court of Criminal Appeals were raised from \$15,000 to \$17,500 (S.B. 360).

Juvenile Boards. A continuing trend toward the creation of county juvenile boards was in evidence through the session with the establishment of at least eight new county boards.

PROBATE CODE

The Texas Probate Code was completely rewritten for the first time since its enactment in 1848 and its re-enactment in 1876 (S.B. 97). Although 95 per cent of the code, according to its drafters, remains unchanged, the statutes have been rearranged in a more logical order and brought together in one volume. Formerly, they have been scattered through at least nine different volumes of the state statutes. The recodification is the product of ten years study and effort on the part of the Texas Civil Judicial Council, the State Bar of Texas, and the Trust Section of the Texas Bankers Association.²

ELECTIONS

Cross-filing of candidates for public office was eliminated by providing that the name of no candidate shall appear more than once on the official ballot (H.B. 45). Under the provisions of another amendment to the election code, statements of campaign expenditures will be required only before and after each election in which the candidate was opposed (H.B. 113). Formerly, such statements were required at twenty-day intervals beginning sixty days before the date of election. In other action, the legislature simplified the requirements for transporting voting machines within a county (H.B. 832), and the Secretary of State was authorized to contract with newspaper associations for the publication of constitutional amendments (H.B. 414). A measure to allow only scratching of ballots as a method of voting was vetoed by the Governor. (See H.B. 80, under Bills Vetoed.)

² A listing of the principal changes and additions to the code can be found in the foreword to the special volume of *Vernon's Annotated Texas Statutes*, which contains the Act.

EDUCATION

Two proposed constitutional amendments, one affecting the Permanent University Fund and the other affecting the Teacher Retirement System were enacted. (See constitutional amendments H.J.R. 15 and S.J.R. 5.) Enabling legislation for the proposed new teacher retirement plan was adopted in Senate Bill 290, so that the plan may become effective with a minimum of delay if the voters approve the constitutional amendment in November, 1956.

A new teacher certification law was spelled out in detail under the provisions of Senate Bill 86 sponsored by the Texas State Teachers Association. Members of either the Teacher Retirement System or the Employees Retirement System of Texas may receive credit for service rendered as a teacher or as an employee of the state (S.B. 212).

Local School Finance. New maximum tax rate limits for the maintenance and operation of school districts were established (S.B. 116, see page 11).

School District Consolidation. The consolidation of rural high school districts with independent school districts was authorized on a majority vote in each district (H.B. 453). In the event of the consolidation of school districts, one of which has an enrollment in excess of five times that of the other district, the Board of Trustees of the larger district shall serve as the Board of Trustees of the new consolidated district until their terms expire. This eliminates the necessity for an election after the consolidation (H.B. 309).

Junior Colleges. Junior college districts were authorized to implement their building program in whole or in part from the proceeds of the sale of bonds or notes. The governing boards were also authorized to contract with municipalities and school districts for the joint construction of facilities. Fees or charges for the use of any building to be constructed under this provision may be pledged to the payment of the bonds or notes issued (S.B. 108). County line school districts may be annexed to adjacent junior college districts for junior college purposes only (S.B. 777).

In other measures, independent school districts were granted the authority to enter into contracts with attorneys for the collection of delinquent taxes (H.B. 476). House Bill 406 authorized the governing body of any state-supported college or university to request the U. S.

Department of Defense to establish and maintain forces for military and/or naval training as a part of the curriculum.

HEALTH AND WELFARE

Mentally Retarded Persons. The Board for Texas State Hospitals and Special Schools was authorized to establish a diagnostic center and otherwise carry out a program for the study and treatment of the mentally retarded in keeping with medical and educational advances (S.B. 221).

Medical Treatment. The superintendent of any state hospital upon the advice of three medical officers may order necessary medical treatment to be performed on state hospital patients even though he fails to receive the consent of the guardian. The act does not authorize sexual sterilization or frontal lobotomies (H.B. 355).

Deaf and Blind Persons. The State Board of Education was authorized to contract with public or private institutions equipped for the care of persons totally deaf and blind, provided the person cannot be adequately cared for by the state (H.B. 198).

Child Support Fund. Counties of 350,000 population or more were authorized to establish a child support fund to be administered by the Juvenile Board of the county. The fund is to be supported by the assessment of a \$3.00 fee in each divorce case filed in the district court of the above counties (S.B. 25).

Hospitals. The name of McKnight State Sanatorium was changed to McKnight State Tuberculosis Hospital (H.B. 358), and the name of the Legion State Sanatorium was changed to Legion Branch of San Antonio State Tuberculosis Hospital (H.B. 409). The new names were deemed to be more accurately descriptive of those institution's functions.

Sanitation. Laws pertaining to the control and prevention of diseases transmitted through food and drink were strengthened (H.B. 702), as were the milk inspection laws (S.B. 172).

Medical Examiner System. Counties having a population of 250,000 or more were authorized to establish the office of Medical Examiner (H.B. 539). Only licensed physicians may be appointed to office. The measure is designed to assure that death investigations will be performed by a person competent in the medical sciences.

INSURANCE

With a recognized need for insurance reform and the support of the insurance industry, the legislature enacted twenty-two bills directly affecting the insurance business.

Board of Insurance Commissioners. Powers and duties previously vested in the Life, Fire and Casualty Commissioners as such were placed in the board itself (S.B. 368). The commissioners will now operate and function as a unit, a majority vote of the members being necessary to transact official business. The board was given added regulatory powers to inquire into the competence, fitness, and reputation of officers and directors of insurance companies (H.B. 10). An additional provision of the bill specifically vested the board with authority to determine the value of a company's real estate investment.

Provisions for regulation of insurance securities and insurance dealers, agents, and salesmen by the Board of Insurance Commissioners were enumerated in "The Insurance Securities Act" (H.B. 39). Capital and surplus requirements of fire, marine, and casualty insurance companies were increased under the terms of Senate Bill 15, while the requirements for life, health, and accident companies were upped in Senate Bill 12. These new requirements will make it difficult to set up an insurance business on insufficient resources.

Other regulatory measures to be administered by the board include the establishment of an orderly procedure for the liquidation, rehabilitation, or reorganization of insurance companies (H.B. 683). All life insurance companies will be required to write a minimum number of policies and maintain a minimum amount of insurance in force (H.B. 673). This bill is aimed at some companies which receive tax advantages of life insurance companies, but actually maintain very little insurance in force.

Agent Licensing. In addition to the regulation and licensing of insurance securities, agents, and salesmen, life insurance agents and counselors must meet stricter examination and licensing requirements (S.B. 16 and H.B. 68). The annual license fees of agents and solicitors were increased from \$2 to \$5, plus \$2 for every agent appointed by any insurance company. The funds so obtained are to be used for the operation of the Agents Licensing Division of the Board of Insurance Commissioners (H.B. 237).

In House Bill 253 the legislature authorized the issuance of group life insurance policies to associations of city employees and certain county employees not now covered. The insurance code was amended to allow mutual legal reserve companies to designate their contingency reserves as surplus in all financial statements and reports (H.B. 436). Provision was made to allow the insurance of the face amount of a loan or loan commitment made for general agricultural or horticultural purposes to a debtor with seasonal income (S.B. 369). The uniform health and accident policy provisions law was adopted in Senate Bill 284.

The legislature also enacted four other bills that made adjustments in the Title Insurance Law (S.B. 272), amended Article 14.61 of the Insurance Code relating to conversion of certain insurance associations into legal reserve companies (H.B. 638), and provided for the sale of pre-arranged or prepaid funeral services or funeral merchandise (S.B. 52).

LABOR

Labor Disputes. Picketing for union recognition was made unlawful unless the union can prove it represents a majority of all the employees (H.B. 45). This is the bill which the administration claimed was needed to prevent another "Port Arthur." Either the union or the employer in a labor dispute may ask for a change of venue if they think the judge with the original jurisdiction is unfair (H.B. 46). Also enacted was the "Ford Bill," (S.B. 44) so named because it grew out of a situation in the Dallas plant of the Ford Motor Company where workers were laid off because of a parts shortage caused by a strike in another Ford plant. The act denies unemployment compensation to workers idled at a subsidiary plant by strikes and other labor disputes at a parent plant. A provision of the act allows payments to workers who declare they want to work and can show they are not members of the striking union.

Unemployment Compensation. The unemployment compensation program was extended to include employers of four or more persons instead of the previous eight (H.B. 125), and a 40 per cent hike in maximum benefits, from \$20 to \$28 per week was authorized (S.B. 286).

Workmen's Compensation. Weekly compensation may be increased by correspondingly decreasing the number of weeks for which the benefits are to be paid (S.B. 109). The disease of psittacosis was added to the list of occupational diseases for which compensation may be received (S.B. 271).

Assignment of Wages. Employers were relieved of liability in the assignment of unearned wages by an employee unless the employer receives written notice of such assignment immediately after its execution (H.B. 682).

MOTOR VEHICLES

License Fees. Drivers' license fees were increased as follows:

	Old rate	New rate
Operator's license	\$1.00	\$2.00
Commercial license	2.00	3.00
Chauffeur's license	3.00	4.00

The increase in revenue from these fees will be used by the Department of Public Safety to finance the cost of increased Highway Patrol personnel (H.B. 305). The annual license fee for the registration of motor busses was reduced to approximately half the former rate based upon the gross weight of the vehicle (H.B. 162). Certificate of title fees were raised from 50 to 75 cents, with the 25 cent increase going to the Texas Highway Department (S.B. 379).

Headlamps. State statutes pertaining to the regulation of automobile headlamps were amended and brought up to date to allow for the use of a new and improved headlight beam which has recently been developed (H.B. 484).

Load Limits. Load limits on ready-mix concrete trucks, which under the terms of the present statute expire September 7, 1955, were re-enacted (S.B. 17). The limits remain unchanged at 36,000 pounds for tandem axle and 12,000 pounds for single axle trucks.

Length Limits. The legal length of motor vehicles in combination was extended from 45 feet to 50 feet. Busses with at least four tires on the rear axle and equipped with air brakes may operate up to 40 feet in length in place of the former 35 foot limit (S.B. 60).

Exceptions to the above limits were provided in several other bills. Motor vehicle-trailer combinations up to 75 feet were allowed if used

exclusively for the movement of unrefined timber from the field to processing plant (S.B. 187). As many as two trailers may be attached in tandem to a motor vehicle when used to transport perishable commodities from field to processing plant during daylight hours (H.B. 354). In transporting other motor vehicles by the saddle mount method no more than two vehicles may be so mounted and drawn (H.B. 24).

In other action, the driving of a motor vehicle on public roads while under the influence of narcotic drugs was made a felony (H.B. 247).

A physical examination of permanent identification numbers of motor vehicles last registered in another state or county will be required under the terms of House Bill 570.

Governor Shivers vetoed a speed limit law (H.B. 85) which would have raised the speed limit from 60 to 65 miles per hour on all highways and permitted a 70 miles per hour speed on four lane highways. However, highway postoffices were authorized to increase their top speed to 55 miles per hour, thus enabling them to maintain schedules. Light commercial vehicles will be permitted to travel 60 miles per hour outside of built-up business or residential districts (S.B. 226).

MUNICIPALITIES

Police and firemen in cities of more than 10,000 population have their hours of work limited to 72 hours during a calendar week (H.B. 54), but this maximum limit may be reduced by an election. Benefits payable from the Firemen's Relief and Retirement Fund were increased in House Bill 25, and a surplus in a local Firemen's Relief and Retirement Fund may now be invested in shares of building and loan associations (H.B. 286). The Texas Municipal Retirement System's program was modified to provide for reducing the percentage of earnings to be deducted for the retirement system contributions and raising the maximum salary from which deductions may be made (S.B. 144). This enables municipalities to integrate the federal social security program with the retirement program. The issuance of group life insurance policies to those associations of city and county employees previously not eligible for such policies was authorized under House Bill 253.

City revenue bonds may be used as pledges by banks to secure de-

posits in depository banks (H.B. 363). It is expected that this will lower the interest cities will have to pay on bonds of this kind.

Recreation programs and facilities may now be operated by cities, towns, and counties acting alone or jointly (H.B. 131).

WATER

More than twenty-five new water control and improvement districts were created by the Fifty-fourth Legislature. Among the most important of these was the establishment of the Trinity River Authority, (H.B. 20), which will permit the development of water resources over a highly populous area of the state. The district will include the five counties of Tarrant, Dallas, Ellis, Navarro, and Chambers, and portions of twelve others along the Trinity River, stretching to the Gulf of Mexico.

The Lower Colorado River Authority was authorized to issue a total of \$65,000,000 in bonds for the further development of the authority's program (H.B. 701).

The Texas Water Resources Committee, created by the 1953 Legislature to survey the state's water problems, received an appropriation of \$5,000 a year to continue its studies. Recommendations of the committee for a state-wide water conservation program (as embodied in S.J.R. 1 and H.B. 3) failed of enactment.

Board of Water Engineers. All federal projects affecting Texas surface water must receive the approval of the Board of Water Engineers (H.B. 11). All water districts must file with the board all orders creating or altering their boundaries. In addition, the districts must keep a current list of their officers and other organizational information on file with the board (H.B. 27). Water users taking water from natural streams in the state for purposes other than domestic or livestock use must file annually with the board information as to the amount and use of the water being taken (H.B. 41).

Other Bills. Water control and improvement districts operating under contract with the U. S. Department of Interior were authorized to employ a manager, tax assessor and collector, and other employees deemed necessary (H.B. 108). The appropriate boards for the lease of state owned lands were authorized to grant easements for irrigation canals and power and communication lines (S.B. 321). The Railroad Commission was given the power to regulate oil and gas wells to pre-

vent pollution of streams or water courses (S.B. 4). Underground water districts were authorized to require permits for water well drilling and to establish spacing requirements for such wells (H.B. 404).

Bills Failing of Enactment

WATER

The inability of the Fifty-fourth Legislature to reach a compromise agreement upon a method of financing a water conservation program might be ranked as one of the most significant features of the session. The financing measure as originally introduced called for an amendment to the constitution to allow issuance of \$100 million in state bonds to help finance local hydro-electric and conservation projects (S.J.R. 1). Strong opposition developed against the 3 cent ad valorem tax feature proposed to support the bond program. A compromise proposal which would have given the legislature the power to make appropriations to back specific water projects but not authorizing a bond or tax plan was also defeated.

A companion bill (H.B. 3) would have created the Texas Water Commission to administer a state water program. The proposed commission was to consist of six members appointed by the Governor for four-year overlapping terms. It would have had power to approve or disapprove any Texas project involving 200 acre feet of water or more. These two bills (S.J.R. 1 and H.B. 3) were considered the key proposals among a total of nine measures recommended by the Texas Water Resources Committee. Five of the recommended bills were enacted by the legislature. One of these, (H.B. 63), was vetoed by the Governor, on the request of its sponsors due to the unintentional inclusion of a rejected amendment in the bill.

SMALL LOANS

A proposed constitutional amendment (H.J.R. 17) would have provided for a 10 per cent maximum interest rate on loans in excess of

\$1,500. In conjunction with this provision the proposal would have made it mandatory for the legislature to establish separate maximum interest rates on loans under \$100 and loans of \$100 but not to exceed \$1,500. Two anti-usury bills also were introduced in the closing days of the session (S.B. 456 and 457). These provided for the imprisonment of any person found guilty of charging usurious interest and the filing of an annual affidavit by all persons engaged in the lending business to the effect that no interest in excess of 10 per cent per annum had been assessed against loans of \$200 or less.

REDISTRICTING BILLS

Congressional. The legislature has never created a 22nd congressional district for the new member gained as a result of the 1950 census. At present, a congressman-at-large is elected. A proposed constitutional amendment (H.J.R. 2) would have required the legislature to reapportion the congressional districts of the state every ten years following the United States decennial census.

Judicial. A proposed constitutional amendment (H.J.R. 13) would have provided for the redistricting of the state's judicial districts. Like the proposed congressional amendment mentioned above, it contained a provision for the automatic reapportionment of the districts in the event the legislature failed to take action. Failure to apportion the districts on a population basis two years ago forced the creation of ten temporary new courts. The Fifty-fourth Legislature made these ten courts permanent and created five additional ones. Another bill (H.B. 536) provided for the reapportionment of the state's judicial districts by the present legislature.

Precincts. A measure (H.J.R. 36) providing for redefining county commissioners precincts after each federal census in order to balance the population of each also failed.

MUNICIPALITIES

Bills restricting the annexation power of cities and incorporation of communities were defeated. Proposals designed to increase revenue of cities by giving them a share of the gasoline tax and a part of an increased motor vehicle license fee were rejected. State enabling legislation for municipal operation of parking lots (H.B.'s 550 and 598) also failed to receive approval.

OTHER BILLS FAILING OF PASSAGE

The licensing of new and used car dealers (H.B. 53), to restrict the sale of new cars to franchised dealers, brought on a threatened filibuster near the session's end, which may have contributed to its defeat. The registration and regulation of lobbyists and their activities (H.B. 398) was defeated, as was a basic election reform law (H.B. 392). Efforts to abolish common law marriages also failed (H.B. 64).

Additional bills failing to receive legislative approval were: two proposals to authorize the railroad commission to set minimum prices on natural gas as a conservation measure (S.B. 49 and H.B. 7); a bill lowering the ad valorem tax assessment on shares of bank stock (S.B. 186); a proposal to prohibit the state or any city from ever levying an income or payroll tax (H.J.R. 14); abolishment of the ad valorem tax on autos (H.J.R. 12); creation of a Public Utility Commission with power to regulate telephone, gas and electric utilities (S.B. 69 and H.B. 30); doubling tuition at state colleges and universities from present \$25 a semester rate to \$50 (H.B. 126); and a "little" Taft-Hartley Act regulating union activity and providing for the determination of bargaining units by secret ballot (H.B. 616).

Bills Vetoed

Twenty-one bills passed by the Fifty-fourth Legislature were vetoed by Governor Allan Shivers. Many of the vetoes came under the heading of special or local legislation. The Governor vetoed such a measure (H.B. 322), setting a mandatory salary increase for the Criminal District Attorney of McLennan County, on the grounds that salary bills should be permissive and general in nature. This veto resulted in the changing of the word "shall" to "may" in all subsequent bills giving pay raises to county officials.

A bill raising the legal speed limit from 60 to 65 miles per hour on all highways and to 70 miles per hour on four-lane divided highways (H.B. 85) was vetoed for safety reasons. The rejection message cited

the results of studies conducted on two eastern toll road systems which indicated that increased speed limits claimed a substantially higher death rate toll among accident victims.

One of the water conservation code bills authorizing the cancellation of water permits was not accepted by the Governor at the request of its authors, cities, and industries (H.B. 63). In its original form the bill provided for the cancellation, after ten years, of totally unused water permits so that the water might be allocated to actual users. The House committee considering the bill adopted an amendment providing for the mandatory cancellation of unused portions of all permits. This amendment was rejected by the House which substituted a plan giving the Board of Water Engineers discretionary powers concerning the cancellation of partially used permits. However, in preparing the report of a conference committee which was called after the House refused to accept a short Senate amendment, the mandatory cancellation provision was erroneously inserted in lieu of the accepted plan for discretionary cancellation. The League of Texas Municipalities, representing city officials, and other large permit holders felt the mandatory provision would make long-range planning for future water needs an impossibility and requested a veto of the measure.

A bill which would have repealed the mandatory suspension of drivers' licenses of persons convicted of driving while drunk was vetoed on the grounds that it would have weakened the law to control drunken driving. Also vetoed was a bill to reduce the penalty from a felony to a misdemeanor for wife and child desertion on first offense.

A controversial measure limiting the amount of tax which may be levied by cities against telephone companies for street rental purposes was vetoed by the Governor. The proposal (H.B. 707) limited the tax to 2 per cent of gross receipts, unless a higher rate is agreed upon in the company's franchise. The veto message asserted that widespread litigation would result, because the terminology of the bill was indefinite and vague.

One election measure was killed by the veto route. House Bill 80 would have eliminated the choice which voters now have of either checking the favored candidates or scratching the names of the unwanted candidates. In his veto message the Governor explained that he liked the check system of voting because it reflected a positive rather than a negative attitude.

In nullifying House Bill 554, to authorize revenue bonds for the construction of toll bridge facilities by counties of over 8,000 population, the Governor took a stand against the indiscriminate building of toll roads and bridges by units of local government. He stated that "Texas has always stood for free highways or for a well planned over-the-state toll road system. This bill is a step in the opposite direction" Another objection to the bill was the omission of certain safeguards to prevent the possibility of interference with navigation. A revised version of this bill, but applying only to Galveston and three other counties, was later enacted and received the Governor's signature.

Proposed Constitutional Amendments

From a total of fifty-six proposed constitutional amendments introduced during the session, nine were approved and will be submitted to the people in an election in November, 1956.

Veteran's Land Program. S.J.R. 2 (amending Sec. 49b, Art. III) would provide for the issuance of an additional \$100 million bonds, and would change the make-up of the Veterans Land Board. The new board would be composed of the Land Commissioner and two persons appointed by the Governor with the consent of the Senate.

Teacher Retirement. S.J.R. 5 (amending Sec. 48a, Art. III) would boost the state's matching contribution to the Teacher Retirement System to 6 per cent on salaries up to \$8,400. This would permit financing a higher minimum retirement pay, plus disability, and death benefits.

Criminal Code. H.J.R. 9 (amending Sec. 11, Art. I) would permit judges to deny bail to persons twice convicted of felonies.

Lunacy Trials. H.J.R. 11 would permit defendants to waive the present requirement for trial by jury in insanity cases where the person under inquiry has not been charged with a criminal offense. Medical testimony would be required for the commitment of such persons.

University Permanent Fund. H.J.R. 15 (amending Sec. 11, Art. VIII) would add Lamar Technological College and Texas Southern

University to those receiving funds from the special 5 cent state property tax for buildings and would permit investment of the University Permanent Fund in corporate stocks and bonds which have paid dividends for ten or more consecutive years.

County Funds. H.J.R. 23 (amending Sec. 9, Art. VIII) would allow commissioners courts of any county to levy whatever sums may be necessary within the 80 cent tax limit for general fund, road and bridge, and jury funds.

Physically Handicapped. H.J.R. 30 (amending Sec. 51a, Art. III) would provide the legislature with the power to match available federal aid for the assistance of persons with permanent total physical disabilities who are not now receiving such aid. An estimated 10,000 Texas citizens, now totally incapacitated, would become eligible for such aid.

False Imprisonment. Under H.J.R. 31 (amending Sec. 51, Art. III) persons falsely imprisoned could be compensated by the legislature.

Oath of Officers. H.J.R. 46 (amending Sec. 1, Art. XVI) would require appointive officials to swear in their oath of office that they made no contribution or promise to gain the office.

Interim Studies

In addition to the laws and proposed constitutional amendments passed by the legislature, there were also numerous studies designated to be undertaken by the Legislative Council during the next two years. Several committees were also established to carry out specific interim assignments of a housekeeping or investigatory nature. These assigned tasks and by whom they are to be performed are given below:

LEGISLATIVE COUNCIL

The need for additional state facilities for the care and treatment of the criminally insane (S.C.R. 45).

The rights and privileges of women under existing state laws, with emphasis on those limitations affecting the status of married women (S.C.R. 47).

Transportation, safety and health facilities used by migrant labor in the state while enroute to or from employment areas (S.C.R. 73).

Small loan legislation and conditions in the small loan business in the state (S.C.R. 83).

Revision and enforcement of child employment laws (H.C.R. 29).

The feasibility of training seeing-eye dogs by the Texas State School for the Blind (H.C.R. 70).

Recodification of laws relating to navigation districts (H.C.R. 75).

Review of the state's tax structure with particular reference to the tax contributions made by various segments of the state's economy and attempting to identify any existing inequalities in the system (H.C.R. 120).

Feasibility of holding annual sessions of the legislature (H.C.R. 121).

Review of the duties and compensation of city and county officers with a view toward consolidation of overlapping functions (H.C.R. 125).

Regulation of commercial fishing in fresh waters of the state (H.C.R. 145).

Simplification of state financing methods with particular reference to the numerous special funds and accounts within the State Treasury (H.C.R. 152).

A study of all aspects of municipal taxation (H.S.R. 290).

LEGISLATIVE COMMITTEES

House of Representatives Committee on School Affairs. Fostered by the recent controversies in the Irving and Houston Independent School Districts, this committee was created to inquire into the operation of any school district in the state. However, on the creation of the House General Investigating Committee, this study was assigned to that committee (H.S.R. 320).

House General Investigating Committee. Established to continue investigations begun during the session into irregularities in the Veterans Land Program (H.S.R. 364). It was given the authority to initiate inquiries into the operations of any department, agency, or subdivision of government within the state.

Senate General Investigating Committee. To continue the senate inquiry into governmental irregularities with the power to investigate just about anything it chooses (S.R. 434). Both the Senate and House Committees grew out of the investigations conducted during the session of the State Land Commissioner's office.

OTHER COMMITTEES

Texas Education Agency. To co-ordinate and complete studies dealing with the office of county superintendents in the field of education with a view toward district reorganization (H.C.R. 24).

Committee on Educational Television. The Commissioner of Education was requested to continue the committee to plan development of television for educational purposes in Texas (S.C.R. 60).

Texas Commission on Higher Education. In conjunction with the governing boards of the state institutions of higher education and the Teacher Retirement System, to study the feasibility of establishing within the framework of the teacher retirement program a special retirement program designed to meet the special needs of personnel in state-supported institutions of higher learning (S.C.R. 78).

State Parks and Historical Survey Committee. Investigate the possibilities of preserving Old Indianola on Matagorda Bay as a historic site and state park to be conducted jointly by the State Parks Board and the State Historical Survey Committee (H.C.R. 124).

Historical Records Study. The State Historical Survey Committee originally established by the 1953 legislature was renewed for the biennium and requested to continue its study of the records and history of the state (S.C.R. 28).

Harris County Home Rule Commission. Study the possibilities of a functional consolidation of governmental units in the metropolitan area of Harris County (S.C.R. 46).

Historical Paintings Committee. Instructed to arrange for the repair and conservation of several historical paintings located in the Capitol Building (S.R. 430).

Texas Water Resources Committee. Created by the 1953 Legislature for a period of four years, the committee received a \$5,000 appropriation for each of the next two years to continue its survey of water resources (H.B. 140).

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